S.B. Civil Writ Petition No.5364/2004
(Chhoga Ram V/s State of Rajasthan & Ors.)

Date of Order : 3/12/2004

HON'BLE MR. PRAKASH TATIA,J.

Mr. P.P. Choudhary, for the petitioner/s

Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order dated 23.5.2003 passed by the learned Additional District Collector, Bhilwara in Revision Petition No. 92/2002 by which the petitioner's revision petition was dismissed.

The petitioner has challenged the allotment of land made in favour of the respondent No.3 by the Gram Panchayat, Nathdiyas. According to the learned counsel for the petitioner the land could not have been disposed of by private negotiation by the Gram Panchayat in a case where there is no plausible claim of title of the person willing to purchase the land by private negotiation. It is also submitted that the purchaser-non-petitioner has not produce any evidence to prove about the old possession of 20 years over the land in dispute. It is also submitted that in all cases, where there is no claim of title of any person, the land should have been sold by public auction.

I considered the submission of the learned

counsel for the petitioner. It appears that the decision to disposed of the land was taken by the Gram panchayat on application of the respondent No.3 on 5.11.2001. The petitioner challenged the action of the respondent by filing the revision petition, which was dismissed by the Additional District Collector, Bhilwara vide order dated 23.5.2003. There is no explanation for challenging the order dated 23.5.2003 till 20.10.2004 in a matter where there is a dispute relating to the immovable property and where the party himself is interested in getting the property, he should have been vigilent to watch his own interest. The delay from 23.5.2003 to 20.10.2004 certainly fatal, therefore, the writ petition of the petitioner deserves to be dismissed only on the ground of inordinate delay.

The writ petition is, therefore, dismissed.

(PRAKASH TATIA)J.

Rm/